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Rimrock, AZ 86335	ZOUR AUC OF A II	. 00	
Complainant & Intervenor	2014 AUG 26 A 11	: 00	
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BEFORE THE ARIZ	ZONA CORPORAS	HON COMMISSION	ORIG
COMMISSIONERS		Arizona Corporation C	ommission
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BOB STUMP-Chairman			
GARY PIERCE		AUG <b>2 6 2</b> 0	014
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IN THE MATTER OF THE APP	LICATION OF	W-04254A-	12-0204
MONTEZUMA RIMROCK WAT	TER COMPANY,		
LLC FOR APPROVAL OF FINA	NCING TO		
INSTALL A WATER LINE FRO	M THE WELL ON		
TIEMAN TO WELL NO. 1 ON T	OWERS		
IN THE MATTER OF THE APP	LICATION OF	W-04254A	-12-0205
MONTEZUMA RIMROCK WA	TER COMPANY,		
LLC FOR APPROVAL OF FINA			
PURCHASE THE WELL NO. 4			
COMPANY VEHICLE.			
IN THE MATTER OF THE APP	LICATION OF	W-04254A	-12-0206
MONTEZUMA RIMROCK WA	TER COMPANY,		
LLC FOR APPROVAL OF FINA	NCING FOR AN		
8,000-GALLON HYDRO-PNEU			
IN THE MATTER OF THE RAT	E	W-04254A	-12-0207
APPLICATION OF MONTEZU	MA RIMROCK		
WATER COMPANY, LLC.			
JOHN E. DOUGHERTY,		W-04254A	-11-0323
COMPLAINANT,			
V.			
MONTEZUMA RIMROCK WA'	TER		
COMPANY, LLC,			
RESPONDENT.			

49

1 2 3 4	IN THE MATTER OF THE APPLICATION OF MONTEZUMA RIMROCK WATER COMPANY, LLC FOR APPROVAL OF A RATE INCREASE.	W-04254A-08-0361		
5 6 7 8 9	IN THE MATTER OF THE APPLICATION OF MONTEZUMA RIMROCK WATER COMPANY, LLC FOR APPROVAL OF A FINANCING APPLICATION	W-04254A-08-0362		
11 12 13		Application for Rehearing of Decision No. 74504 Under ARS Sec. 40-252		
14 15	<u>INTRODUCTION</u>			
16 17 18 19 20 21	Intervenor/Complainant has discovered significant infundamental claims made by Montezuma Rimrock's corrected by Montezuma Rimrock's owner, Ms. Patri evidentiary hearing in June 2013 that served as the ba	counsel Mr. Todd Wiley and never cia Olsen, during the five-day		
22 23 24 25 26 27	Mr. Wiley falsely claimed during the first day of the hearing that Ms. Olsen's father, Mr. Peter Sanchez, is deceased. Everyone believed his statement, including the Administrative Law Judge. Ms. Olsen never corrected this perception in her testimony, even after the ALJ made an affirmative statement that she believed Mr. Sanchez was deceased.			
28 29 30 31	Intervenor/Complainant has conclusive evidence confinvestigator that Mr. Sanchez is far from dead and, in Apache Junction.	•		
32 33 34 35 36 37	The false claim by Mr. Wiley resulted in Intervenor/C into the prior relationship between subpoenaed witness Sanchez, thereby denying the Commission the opport about Montezuma Rimrock's gross misconduct that he referral to the Attorney General's office over a potent	ss Anna Barbara Bruner and Mr. unity to learn more information as already resulted in a criminal		
38 39 40 41 42 43	Mr. Sanchez controlled the water company that was p in 2005 through his role as president of Montezuma E (MEPOA). Ms. Brunner was on the MEPOA board. I Brunner and Mr. Sanchez worked to thwart the potent assets to Arizona Water Company, which was the rec	Estates Property Owners Association Jpon information and belief, Ms. tial sale of the water company's		
44 45 46	Instead, Mr. Sanchez orchestrated the sale of the water company, Montezuma Rimrock. Ms. Brunner subseq 4 to Montezuma Rimrock at a 500 percent profit. Ms.	uently sold the property for Well No		

1 Commission the fact that Montezuma Rimrock had entered into long-term debt with Ms.

Brunner, which was the basis of Count 1 of the Formal Complaint.

Mr. Wiley's false statement about Mr. Sanchez's purported death was done during arguments over whether Ms. Brunner should be compelled to testify.

Intervenor/Complainant dropped a line of inquiry after being duped by Mr. Wiley's statement that Mr. Sanchez was deceased.

 Ms. Olsen allowed the false statement that her father was deceased to remain uncorrected throughout the hearing. Ms. Olsen had an opportunity to correct this misrepresentation while being questioned by the Administrative Law Judge, but failed to do so. Instead, Ms. Olsen and Mr. Wiley deceived the ALJ, Staff, Intervenor/Complainant and ultimately this Commission about this fundamental fact to foreclose the opportunity to discover additional violations of Commission regulations and state statutes that may have resulted from Ms. Brunner's testimony.

Ms. Brunner's testimony also could have led to new information that would have been sufficient for Intervenor/Complainant to seek the Court's permission to subpoena Mr. Sanchez. But because of Mr. Wiley's false statement and Ms. Olsen's collusion to deceive the Commission, that option too was foreclosed.

That Ms. Olsen would allow the ALJ and the Commission to be deceived by supporting Mr. Wiley's false claim that her father was deceased completely destroys the fundamental trust that the Commission must have in a Public Service Corporation to operate honestly and to protect the public's health, safety and welfare.

Anyone who would participate in a deception before a legal proceeding concerning the death of a parent cannot be trusted on any level. There is absolutely no question that Ms. Olsen is <u>NOT</u> a fit and proper entity to hold a Certificate of Convenience and Necessity. The Commission should take immediate action to reopen Decision No. 74504 in order to revoke Montezuma Rimrock's CC&N and impose all fines that were levied, but suspended, in Decision No. 74504.

# FACTS AND SUPPORTING EVIDENCE

On June 17, 2013, Intervenor/Complainant docketed his witness disclosure list that included Ms. Brunner. Ms. Brunner's testimony was sought "on her relationship with Ms. Olsen, her role on the Montezuma Estates Property Owners Association, her purchase of Yavapai County parcel #405-25-517, the sale of parcel #405-25-517 to Montezuma, letters docketed to the Commission concerning John Dougherty; her work history with Peter Sanchez."

<sup>&</sup>lt;sup>1</sup> Intervenor/Complainant Notice of Filing Subpoenaed Witnesses, Documents and Testimony, Pg 4, Lines 17-20, June 17, 2013.

On the first day of the evidentiary hearing, June 20, 2013, Mr. Wiley made oral 1 objections to the scope of Ms. Brunner's testimony sought by Intervenor/Complainant. 2 Mr. Wiley made the objection after stating, "Ms. Olsen is whispering in my ear." 3 Mr. Wiley first recited the scope of testimony sought by Intervenor/Complainant and then 4 noted that Peter Sanchez was Ms. Olsen's father. Mr. Wiley then made the following 5 6 false claim: 7 8 By Mr. Wiley: 9 10 "I believe he is now deceased." 11 12 The ALJ responded: 13 "Oh."2 14 15 16 Mr. Wiley then argued that it was improper for Ms. Brunner to be subjected to questioning about her personal relationships with anyone other than with Ms. Olsen. 17 18 19 By Mr. Wiley: 20 21 "It is okay to talk to her about her relationship with Ms. Olsen even. That's fine. 22 But asking what her role on the property association was, what her relationship 23 was with Ms. Olsen's father, you know, what her deal was when she bought the 24 property, I don't know that that's relevant..."3 25 26 The ALJ, who now believed Mr. Sanchez was deceased, asked Mr. Dougherty: 27 28 "What is the relevance of any relationship she may have had with Mr. Sanchez, 29 who I understand is Ms. Olsen's late father?" 30 31 By Mr. Dougherty: 32 33 "I will drop that. We can set that aside." 34 35 Intervenor/Complainant dropped that line of questioning because he now believed Mr. 36 Sanchez was deceased and could not be later subpoenaed to testify on the sale of the 37 company to his daughter and his knowledge about the suitability of Ms. Brunner's lot as a 38 well site, the potential future purchase of Ms. Brunner's lot by Montezuma Rimrock, and

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different location.

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Ms. Brunner's prior relationship with Mr. Sanchez at an homeowners association in a

<sup>&</sup>lt;sup>2</sup> Transcript, W-04254A-12-0204, et al. VOL. I, Page 19, Lines 3-4.

<sup>&</sup>lt;sup>3</sup> Transcript, W-04254A-12-0204, et al. VOL. I, Page 19, Lines 24-25, Page 20, Lines 1-3, 06/20/2013

<sup>&</sup>lt;sup>4</sup> Transcript, W-04254A-12-0204, et al. VOL. I, Page 22, Lines 5-9, 06/20/2013

1	After being sworn as the hearing's first witness, Ms. Olsen provided misleading
2	testimony about her father's role concerning her purchase of MEPOA's water company
3	assets and another offer that had been made by Arizona Water Company. Ms. Olsen
4	made the false assertions after Mr. Wiley had stated Mr. Sanchez was dead.
5	In Ms. Olsen's direct testimony submitted prior to hearing concerning MEPOA's sale of
6	the water company, she stated:
7	
8	"In a meeting between Peter Sanchez (MEPOA) and Bill Garfield (Arizona
9	Water) in Sedona, Mr. Garfield told Mr. Sanchez that Arizona Water was not
10	interested in purchasing MEPOA's water company."5
11	
12	This statement directly conflicted with findings of fact in Decision No. 67583, which
13	approved the sale of MEPOA's water assets to Montezuma Rimrock. Decision No. 67583
14	includes a statement attributed to Ms. Arias, which was Ms. Olsen's name at the time.
15	
16	"According to Ms. Arias, a representative of AWC indicated to her that it would
17	only offer approximately \$80,000 for the system."6
18	
19	When asked during Ms. Olsen's sworn testimony at hearing if Arizona Water was indeed
20	interested in buying the company, Ms. Olsen said, "No." Ms. Olsen then testified that
21	Decision No. 67583 was in error and that it was her father who made that statement, not
22	her.
23	
24	By Mr. Dougherty:
25	
26	Q. So was Arizona Water interested in purchasing the company, Ms. Olsen?
27	
28	By Ms. Olsen:
29	
30	A. No, not that I knew of. I think that is maybe a mistake, because it was Peter,
31	my father, who made that statement. <sup>7</sup>
32	
33	Ms. Olsen's false testimony was made to support her misleading claim in her written
34	direct testimony that Arizona Water was not interested in purchasing the water company
35	in 2004 and 2005, when in fact it was. Ms. Olsen then blames her father, whom we all
36	believed was dead, for actually making the statement that was attributed to her by
37	Decision No. 67583.
38	
39	This is yet another example of Ms. Olsen lying to the Commission. It was a calculated
40	and willful attempt to mislead the ALJ and Commission with circumstances surrounding
41	the sale of the company and to deter efforts by Intervenor/Complainant to require Ms.

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Brunner, who was an unwilling witness, to appear and testify.

Montezuma Rimrock Direct Testimony, Page 3, Lines 9-12, May 24, 2013.
 Decision No. 67583, Page 6, Footnote 4.
 Transcript, W-04254A-12-0204, et al. VOL. I, Page 163, Line 9-13.

#### PRIVATE INVESTIGATOR'S REPORT

Intervenor/Complainant secured the services of Investigative Research, Inc., an Arizona Licensed Private Investigation firm, to determine whether Mr. Peter Sanchez is deceased.

A report prepared by Private Investigator Adam O. Fuentes, concludes: "Peter O.

Sanchez, Sr. is not deceased." (Exhibit 1)

#### LEGAL BASIS

 ARS Section 40-252 allows the Commission to reopen Decision No. 74504. The statute states, in part: "The commission may at any time, upon notice to the corporation affected, and after opportunity to be heard as upon a complaint, rescind, alter or amend any order or decision made by it."

Finding of Fact No. 36 in Decision No. 67583, which approved the sale of MEPOA's water utility assets and transfer of its CCN to Montezuma Rimrock, states, in part: "there is no evidence that MRWC is not a fit and proper entity to receive the assets and Certificate of the Company."

 There is, in fact, substantial evidence that Montezuma Rimrock, through Ms. Olsen's control of Montezuma Rimrock Water Company, LLC, is not a fit and proper entity to hold a CCN. Decision No. 74504 found sufficient evidence of a possible violation of ARS Sec. 40-303(c) by Montezuma Rimrock to make a criminal referral to the Attorney General for further investigation and possible prosecution.

"We have serious concerns, including that Montezuma, and Ms. Olsen individually, misled the Commission both actively and through omission by providing incorrect information about Montezuma's plan to remediate its arsenic level and about the status of its leases; by filing personal leases that Ms. Olsen knew were not valid and contained forged signatures; by failing to reveal that Montezuma had entered into leases and having counsel make factual assertions that Montezuma and Ms. Olsen knew not to be true and arguments that Montezuma and Ms. Olsen knew to be invalid; by filing incomplete leases; and by filing leases with altered dates. While Ms. Olsen has professed that she is innocent of any wrongdoing, has attempted to explain how there came to be multiple versions of leases, and has testified that she desires to know as much as anyone who signed the personal leases as "Robin Richards," Ms. Olsen's testimony in this area is not credible."

Intervenor/Complainant has presented additional new evidence herein of false and misleading statements by Montezuma Rimrock's Counsel that were allowed to stand uncorrected by Ms. Olsen that are outrageous and despicable. The false claim that Mr. Sanchez was dead was done to defeat Intervenor/Complainant's attempt to require Ms.

<sup>&</sup>lt;sup>8</sup> Decision No. 67583, Page 8, Lines 20-21, Feb. 15, 2005.

<sup>&</sup>lt;sup>9</sup> Decision No. 74505, Page 103, Lines 18-26, Page 104, Lines 1-2, May 30, 2014.

1 Brunner's testimony that potentially could have uncovered additional malfeasance and 2 possible felony activity. 3 4 The deception about her father's death, in conjunction with the criminal referral and other 5 findings of fact in Decision No. 74504, conclusively shows that Montezuma Rimrock and Ms. Olsen are NOT fit and proper entities to hold a Certificate of Convenience and 6 7 Necessity. 8 9 **MOTION** 10 11 Intervenor/Complainant respectfully requests the Commission under ARS Section 40-252 to reopen Decision No. 74504 to consider the revocation of Montezuma Rimrock's 12 Certificate of Convenience and Necessity, finding Mr. Wiley and Ms. Olsen in Contempt 13 of the Commission for falsely claiming that Peter Sanchez was deceased and the 14 15 immediate imposition of all fines that were levied, but suspended, in Decision No. 74504. 16 17 RESPECTFULLY SUBMITTED this 26th Day of August, 2014 18 19 20 By John E. Dougherty III 21 Intervenor/Complainant 22 23 24 25 An original and 13 copies of the foregoing was filed this 26th day of August, 2014, with: 26 27 28 **Docket Control** 29 Arizona Corporation Commission 1200 West Washington Street 30 31 Phoenix, Arizona 85007 32 33 A copy of the foregoing was hand delivered/mailed/emailed this 26th Day of August, 2014 to: 34 35 36 Sarah N. Harpring Brian Bozzo Administrative Law Judge **Utilities Division** 37 **Arizona Corporation Commission** Arizona Corporation Commission 38 1200 W. Washington 1200 W. Washington 39 Phoenix, Arizona 85007 40 Phoenix, Arizona 85007 41 Patricia Olsen 42 Wes Van Cleve/Charles Hains **MRWC** 43 Legal Division 44 Arizona Corporation Commission 3031 E. Beaver Creek Rd. 1200 W. Washington Rimrock, AZ 86335 45 Phoenix, Arizona 85007 46

1 2 3 4 5 6 7 8	Steve Olea Utilities Division Arizona Corporation Commission 1200 W. Washington Phoenix, Arizona 85007	Todd Wiley Fennemore Craig 2394 E. Camelback Rd. Phoenix, AZ 85016
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# Investigative Research, Inc.

INVESTIGATIVE REPORT Re: PETER ORTEGA SANCHEZ, SR. August 13, 2014

After indexing numerous databases to include Pinal County Assessor's Records, Arizona Motor Vehicle Records and several commercial databases regarding Mr. Sanchez, as well completing canvassing efforts in the area of the subject's residence, we were able to confirm that Mr. Sanchez and his wife, Jennie Sanchez, are residing at 1976 E. 37<sup>th</sup> Avenue, Apache Junction, AZ 85119.

It was also established that Peter O. Sanchez, Sr. is not deceased.

What follows is a summary of our efforts to locate and confirm the residency of Peter O. Sanchez, Sr.

#### **COMMERCIAL DATABASE RECORDS**

We initially indexed commercial database records regarding Peter Ortega Sanchez, Sr. in an effort to obtain current contact information and confirm or verify the subject's current address, and possible telephone numbers. What follows is a summary of our findings.

## Peter Ortega Sanchez Sr.

**DOB:** April 16, 1939

SSN: - issued in Arizona

Spouse: Jennie Sanchez Sr.

Address: 1976 E. 37th Avenue, Apache Junction, AZ 85119, reported from December

2005 to Present.

Telephones Nos.: No valid numbers found. (480) 288-8504 and (480) 982-3761,

which are listed in the database for Sanchez, are not currently in service.

Note: A search of the databases death index records reflect no indication that the subject has expired. However, we did find that his son, Peter Sanchez, Jr., expired in 2009.

#### TELEPHONIC CONTACT WITH NEIGHBORS

We obtained telephone numbers through the commercial database for four neighbors near the address of Mr. Sanchez, located at 1976 E. 37<sup>th</sup> Avenue, Apache Junction, AZ 85119. We contacted the neighbor residing at 1975 E. 37<sup>th</sup> Avenue, Apache Junction, AZ, (480) 671-3609. We spoke the female who said a couple "in their 60's" currently resides at the subject's home, but she did not know their names. Several people have historically moved in and out of that house, but 1 to 2 years ago, the older couple moved in and said they were the "owners" (Peter and Jennie Sanchez have owned the

Re: Peter Ortega Sanchez August 13, 2014

house since 2001). The neighbor did not remember their names, and did not have a telephone number for them, but said they are still there and drive an old pickup truck that makes a lot of noise going up and down the street.

We were able to make contact with one other neighbor who claimed that she did not know them (Sanchezes), but said different people had moved in and out of that house over the years.

#### ARIZONA MOTOR VEHICLE RECORDS

We indexed the Arizona Motor Vehicle Records regarding the Sanchezes and obtained motor vehicle and driver's license records for both. What follows is a summary of our findings.

### Arizona Driver's License Information, Peter Ortega Sanchez

AZ Driver's License No.: D035

Class: D

Issued: April 7, 2014

Listed Address: 4975 Stardust Drive, Rimrock, AZ 86335, owned by Todd & Jami

Morrow since March 2005

## Arizona Driver's License Information, Jennie Sanchez

AZ Driver's License No.: D037

Class: D

**Issued:** April 13, 2010

Listed Address: 10026 E. Lazy K Road, Gold Canyon, AZ 85118, owned by Daiton

Rutkowski since December 2013

## Vehicle Ownership, Peter Sanchez, Sr. and/or Jennie Sanches

2005 Cadillac 4-door

AZ License No.: AYF4304

 1999 Sunkist Motor Home AZ License No.: AKK3838

 2008 GMC ½ ton pickup AZ License No.: BDB0544

#### PINAL COUNTY ASSESSOR'S OFFICE RECORDS

We indexed the Pinal County Assessor's Office database and learned that the Sanchezes are listed as the owners of Parcel No. 103-39-1510, which has an address

Re: Peter Ortega Sanchez August 13, 2014

of 1976 E. 37<sup>th</sup> Avenue, Apache Junction, AZ 85119. The Sanchezes have owned this home since August 16, 2001.

#### YAVAPAI COUNTY ASSESSOR'S RECORDS

We indexed the Yavapai County Assessor's Office database and learned that the Sanchezes are listed as the owners of the following parcels, all of which have a mailing address of 1976 E. 37<sup>th</sup> Avenue, Apache Junction, AZ 85119.

Parcel No.: 405-25-552B

Address: 4625 E. Goldmine Road, Rimrock, AZ 86335

Owner(s): Peter O. & Jennie Sanchez

Parcel No.: 405-25-552C

Address: 4625 E. Goldmine Road, Rimrock, AZ 86335

Owner(s): Peter O. & Jennie Sanchez

Parcel No.: 405-25-552D

Address: 4625 E. Goldmine Road, Rimrock, AZ 86335

Owner(s): Peter O. & Jennie Sanchez

Parcel No.: 405-25-552E

Address: Unknown

Owner(s): Peter O. & Jennie Sanchez

Parcel No.: 405-25-552F

Address: 4640 E. Woody Creek Court, Rimrock, AZ 86335

Owner(s): Peter O. & Jennie Sanchez

## CANVASSING EFFORTS AT 1976 E. 37<sup>TH</sup> AVENUE, APACHE JUNCTION, AZ

On the evening of Tuesday, August 12 and the morning of Wednesday, August 13, 2014, I traveled to Mr. Sanchez's residence, located at 1976 E. 37<sup>th</sup> Avenue, Apache Junction, AZ 85119, in an effort to spot check the home and potentially speak with the surrounding neighbors to verify if the subject was residing at the home. After speaking with a neighbor on Wednesday morning, I was able to confirm that Mr. Sanchez and his wife, Jennie, currently reside at the home. Additionally, a 2008 GMC ½ ton pickup truck, registered to Mr. Sanchez, was observed parked in the driveway of the residence on Wednesday morning. What follows is a summary of my efforts.

<u>Tuesday</u>, <u>August 12</u>, <u>2014</u>: On the evening of August 12, I traveled from my office to the Sanchez residence in an effort to locate and confirm the residency of the subject. Upon my arrival, I observed that the exterior lights on the home were off and there were no vehicles parked at or near the home. I exited my vehicle and approached the front door. I knocked on the security screen door and rang the doorbell, but no one

Re: Peter Ortega Sanchez August 13, 2014

answered. I could hear a small dog barking inside the home. I departed the residence and attempted to speak with surrounding neighbors, but I was unable to make contact with anyone. I returned to my vehicle and monitored the area for approximately 15 minutes, hoping the subject returned home or emerged. Unfortunately, I did not observe any activity at the subject residence, so I departed for the evening.

Wednesday, August 13, 2014: On the morning of August 13, I traveled from my home to the Sanchez residence, once again attempting to confirm the residency of the subject. I arrived in the vicinity of the home and immediately observed a dark gray colored GMC pickup truck, bearing AZ license plate BDB0544, parked in the driveway. A check of the AZMVD database revealed that the pickup truck is registered to Peter O. Sanchez, who listed his address of record as 4975 Stardust Drive, Rimrock, AZ 86335. The registration for the pickup truck is valid through June 15, 2015. I parked my vehicle and approached the front door of the residence. I rang the doorbell and knocked on the security door, but no one answered. I could hear the small dog barking from inside. I left the home and was walking across the street to speak with a neighbor when I observed a woman with brown hair pulled up into a pony tail, and wearing glasses, exit the home at 1970 E. 37th Avenue, which is located next door to the west of the Sanchez residence.

I approached the woman, who appeared to be grabbing the newspaper from the front lawn, and asked her if she knew the Sanchezes and whether Mr. Sanchez resided at the home next door. I began describing the subject and showed the MVD photo of Mr. Sanchez to the woman. She stated that indeed, Mr. Sanchez and his wife reside at the home; and she observed them at the home Tuesday evening (the day prior). She added that they keep to themselves and do not typically engage in conversation with others in the neighborhood. Additionally, the Sanchezes own a silver colored Cadillac and if the Cadillac is not parked in the driveway, then they are most likely not home, according to the woman. As reported in the foregoing, Jennie Sanchez is the registered owner of a 2005 Cadillac sedan bearing AZ license plate AYF4304.

It was clear that the Sanchezes were currently residing at the home on 37<sup>th</sup> Avenue in Apache Junction, AZ, so I elected to depart the area and travel back to my residence.

Respectfully submitted.

adam O. Frentes

INVESTIGATIVE RESEARCH, INC.

Adam O. Fuentes

Investigator